

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

SAM BENFORD,

Plaintiff,

v.

IGNACIO A. ARRINCON D/B/A MEXICO  
TIRES; ISIDRO GUARDADO; and DOES 1 to  
10,

Defendants.

Case No.: 5:24-cv-01522-MEMF-SP

**ORDER TO SHOW CAUSE WHY THE  
COURT SHOULD NOT DECLINE TO  
EXERCISE SUPPLEMENTAL  
JURISDICTION OVER PLAINTIFF'S  
STATE LAW CLAIMS**

On July 22, 2024, Plaintiff Sam Benford ("Benford") filed a Complaint against Defendants Ignacio A. Arrincon D/B/A/ Mexico Tires, and Isidro Guardado, asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12010–12213; (2) a claim for damages pursuant to California's Unruh Civil Rights Act ("Unruh Act"), Cal. Civ. Code §§ 51–52, *et seq.*; (3) a claim for damages pursuant to the California Disabled Persons Act, Cal. Civ. Code § 54, *et seq.*; (4) a claim for damages and injunctive relief pursuant to the Cal. Health & Safety Code § 19955, *et seq.*; and (5) a claim for negligence. ECF No. 1. The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C. §§ 1331

1 and 1343, and that the state law claims are brought “pursuant to pendant [sic] jurisdiction.” *Id.* at ¶¶  
2 6–7.

3 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute,  
4 28 U.S.C. § 1367. The supplemental jurisdiction statute “reflects the understanding that, when  
5 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in  
6 each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness,  
7 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added)  
8 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

9 California law sets forth a heightened pleading standard for a limited group of lawsuits  
10 brought under the Unruh Act. *See* Cal. Civ. Proc. Code Sections 425.55(a)(2) & (3). The stricter  
11 pleading standard requires certain plaintiffs bringing construction-access claims like the one in the  
12 instant case to file a verified complaint alleging specific facts concerning the plaintiff’s claim,  
13 including the specific barriers encountered or how the plaintiff was deterred and each date on which  
14 the plaintiff encountered each barrier or was deterred. *See* Cal. Civ. Proc. Code Section 425.50(a). A  
15 “high-frequency litigant fee” is also imposed on certain plaintiffs and law firms bringing these  
16 claims. *See* Cal. Gov’t Code Section 70616.5. A “high-frequency litigant” is “a plaintiff who has  
17 filed 10 or more complaints alleging a construction-related accessibility violation within the 12-  
18 month period immediately preceding the filing of the current complaint alleging a construction-  
19 related accessibility violation” *and* “an attorney who has represented as attorney of record 10 or  
20 more high-frequency litigant plaintiffs in actions that were resolved within the 12-month period  
21 immediately preceding the filing of the current complaint alleging a construction-related  
22 accessibility violation.” Cal. Civ. Proc. Code Sections 425.55(b)(1) & (2). High frequency litigants  
23 are also required to state: (1) whether the complaint is filed by, or on behalf of, a high-frequency  
24 litigant; (2) in the case of a high-frequency litigant who is a plaintiff, the number of complaints  
25 alleging construction-related accessibility claim filed by the high-frequency litigant during the 12  
26 months prior to filing the instant complaint; (3) the reason the individual was in the geographic area  
27 of the defendant’s business; and (4) the reason why the individual desired to access the defendant’s  
28 business.” *See id.* Section 425.50(a)(4)(A).

1 In light of the foregoing, the Court orders Benford to show cause in writing why the Court  
2 should exercise supplemental jurisdiction over the Unruh Act claim, the California Disabled Persons  
3 Act claim, the California Health and Safety Code claim, and the negligence claim. *See* 28 U.S.C. §  
4 1367(c). In responding to this Order to Show Cause:

- 5 1. Benford shall identify the amount of statutory damages Plaintiff seeks to recover.
- 6 2. Benford and Benford's counsel shall also support their responses to the Order to Show Cause  
7 with declarations, signed under penalty of perjury, providing all facts necessary for the Court  
8 to determine if they satisfy the definition of a "high-frequency litigant" as provided by  
9 California Code of Civil Procedure Sections 425.55(b)(1) & (2). This includes, but is not  
10 limited to:
  - 11 a. the number of construction-related accessibility claims filed by Plaintiff in the twelve  
12 months preceding the filing of the present claim; and
  - 13 b. the number of construction-related accessibility claims in which Plaintiff's counsel  
14 has represented high-frequency litigant plaintiffs in the twelve months preceding the  
15 filing of the present claim.

16 Benford shall file a Response to this Order to Show Cause by no later than fourteen days  
17 from the date of this order. The failure to timely or adequately respond to this Order to Show Cause  
18 may, without further warning, result in the Court declining to exercise supplemental jurisdiction over  
19 the Unruh Act claim, the California Disabled Persons Act claim, the California Health and Safety  
20 Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

21  
22 **IT IS SO ORDERED.**

23  
24  
25 Dated: August 13, 2024



26 MAAME EWUSI-MENSAH FRIMPONG

27 United States District Judge  
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